

- **EEOC v. AE Sweeney Masonry, Inc.**

No. 1:05-CV-02577-RBD (D. Md. March 31, 2006)

In its Title VII complaint, the Baltimore District Office alleged that defendant, a small masonry company doing business in Maryland, Pennsylvania, and Virginia, racially harassed black employees; discriminated against a charging party in the terms and conditions of his employment based on race (black); and terminated him and another CP in retaliation for complaining about racial harassment. Defendant hired one CP as a forklift operator in April 2002 and the second as a laborer in June 2003; they were defendant's only black employees. Both CPs experienced a racially hostile work environment, consisting of frequent racial epithets, slurs, comments, and jokes by white supervisors and coworkers. Defendant also subjected one CP (the forklift operator) to less favorable terms and conditions of employment than whites by not assigning him a helper. Both men complained to management about the racial insults, but to no avail. Defendant terminated them within a few days of one another in June 2004, ostensibly for absenteeism.

The Philadelphia District Office resolved this case through a 4-year consent decree. The two CPs will equally share \$60,000 in compensatory damages. Defendant's owner will serve as guarantor of the payments. Defendant will provide each CP with an unconditional written offer of reinstatement into the position he held at the time of discharge with retroactive seniority, at the current pay rate, and with all benefits. Defendant will make two job offers to each CP. Should either man decline the reinstatement offers, defendant is required to provide him with a positive letter of reference agreed upon with EEOC. The consent decree, which applies to all of defendant's facilities and worksites, enjoins defendant from violating Title VII: prohibited conduct includes harassment or other discrimination based on race and color and conduct protected under Section 704(a) of Title VII. The decree also requires defendant to comply with Title VII's recordkeeping requirements. Defendant must adopt an antiharassment/antidiscrimination policy and distribute it to all owners, supervisors, independent contractors, and employees. The decree requires defendant to post a notice at each facility and worksite regarding the consent decree, harassment, how to report harassment, the consequences for engaging in it, and supervisory responsibility for stopping harassment.